

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES COMMODITY FUTURES TRADING COMMISSION,)	Civil Action No. <u>12-cv-8791 (CM)</u>
)	(<u>GWG</u>)
Plaintiff,)	
)	
v.)	
)	
ERIC MONCADA; BES CAPITAL LLC; and SERDIKA LLC.))
Defendant(s).)	

FOURTH AFFIDAVIT OF ANDREW L. RIDENOUR

I, Andrew L. Ridenour, affirm pursuant to 28 U.S.C. § 1746, as follows:


1. I am an attorney duly admitted to practice in the District of Columbia. I am appearing before this Court as counsel for the United States Commodity Futures Trading Commission (“CFTC”). I respectfully submit this affidavit in support of the CFTC’s Motion for Summary Judgment Against Defendant Eric Moncada.
2. Attached to this Fourth Affidavit are true and correct copies of the following documents, which are exhibits to Plaintiff’s Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment Against Defendant Eric Moncada:
 - 1) Exhibit 1 – Deposition of Eric Moncada (excerpts)
 - 2) Exhibit 2 – Affidavit of Greg Benbrook
 - 3) Exhibit 3 – Affidavit of Jessica Harris
 - a) Attachment A – daily account statements (October 6)
 - b) Attachment B – daily account statements (October 12)
 - c) Attachment C – daily account statements (October 14)

- d) Attachment D – daily account statements (October 19)
- e) Attachment E – daily account statements (October 26)
- f) Attachment F – daily account statements (October 27)
- g) Attachment G – daily account statements (October 29)
- h) Attachment H – daily account statements (October 30)
- i) Attachment I – excerpt of trade data
- j) Attachment J – excerpt of trade data
- k) Attachment K – excerpt of trade data
- l) Attachment L – excerpt of trade data
- m) Attachment M – excerpt of trade data
- n) Attachment N – excerpt of trade data
- o) Attachment O – excerpt of trade data
- p) Attachment P – excerpt of trade data
- q) Attachment Q – redacted bank records
- r) Attachment R – excerpt of trade data (Moncada Dep. Exhibit)
- s) Attachment S – excerpt of trade data (Moncada Dep. Exhibit)
- t) Attachment T – excerpt of trade data (Moncada Dep. Exhibit)
- u) Attachment U – excerpt of trade data (Moncada Dep. Exhibit)
- v) Attachment V – excerpt of trade data (Moncada Dep. Exhibit)
- w) Attachment W – excerpt of trade data (Moncada Dep. Exhibit)
- x) Attachment X – excerpt of trade data (Moncada Dep. Exhibit)
- y) Attachment Y – excerpt of trade data (Moncada Dep. Exhibit)
- z) Attachment Z – excerpt of trade data (Moncada Dep. Exhibit)

- aa) Attachment AA – excerpt of trade data (Moncada Dep. Exhibit)
- 4) Exhibit 4 – Affidavit of William Steele
- 5) Exhibit 5 – Plaintiff's First Set of Requests for Admissions
- 6) Exhibit 6 – Moncada's Response to Plaintiff's First Set of Requests for Admissions
- 7) Exhibit 7 – Expert Report of Hendrik Bessembinder
- 8) Exhibit 8 – Affidavit of James Moran
- 9) Exhibit 9 – Deposition of Steven Wollack (excerpts)
- 10) Exhibit 10 – Affidavit of Lisa Jones
- 11) Exhibit 11 – Deposition of Hendrik Bessembinder (excerpts)
- 12) Exhibit 12 – Deposition of James Patrick Moriarty (excerpts)
- 13) Exhibit 13 – Instant Message between Moncada and Moriarty, dated September 30, 2009

I declare under penalty of perjury that the foregoing is true and correct.

Dated: This 23rd day of January, 2014
Washington, DC


Andrew L Ridenour

